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FREMONT MAN PLEADS GUILTY TO CHILD PORNOGRAPHY CHARGES

SACRAMENTO--United States Attorney McGregor W. Scott announced today that STEPHEN McELWEE, 35, of Fremont, California pleaded guilty today to two counts relating to the possession and distribution of images depicting minors engaged in sexually explicit conduct. The guilty pleas were entered before United States District Judge Frank C. Damrell, who scheduled sentencing for February 27, 2004.

This case is the product of an extensive/joint investigation by the California Department of Justice, Sexual Predator Apprehension Team, and the Sacramento office of the FBI.

According to Assistant United States Attorney Laurel D. White, who is prosecuting the case, McELWEE was charged with distributing, via the internet and his computer, four images depicting minors engaged in sexually explicit conduct to an undercover California Department of Justice Special Agent on May 1, 2003. Evidence revealed that the defendant had contacted the undercover agent in late April, 2003, in response to an undercover ad aimed at identifying subjects who have a sexual interest in children. During their online chat, McELWEE discussed the prospect of meeting with the undercover agent's fictional children. It was during this chat that McELWEE sent the child pornography to the agent. When McELWEE's residence was searched on May 29, 2003, his computer was seized and then later analyzed. An analysis of his computer revealed that he possessed the same four images he distributed to the undercover agent on May 1st, and further revealed his possession of approximately 39 other images depicting

minors engaged in sexually explicit conduct.

McELWEE faces a maximum sentence of 20 years in prison for the distribution charge, and a maximum sentence of imprisonment of 10 years for the possession charge. The distribution charge also carries a mandatory minimum sentence of 5 years. Each charge carries a possible \$250,000 fine, a possible life term of supervised release, and a \$100 statutory assessment per count.

This press release may be found at <http://www.usdoj.gov/usao/cae/home>, select Press Releases.

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